

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 TIMOTHY J. LUCEY (CABN 172332)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5054
8 Fax: (408) 535-5066
E-Mail: Timothy.Lucey@usdoj.gov

9 Attorneys for Plaintiff

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,)	No. CR 13 - 0356 DLJ
)	
14 Plaintiff,)	STIPULATION AND []
)	ORDER TO CONTINUE AND EXCLUDE
15 vs.)	TIME UNDER THE SPEEDY TRIAL ACT
)	
16 JOSE LUIS HERRERA-HERNANDEZ,)	
)	
17 Defendant.)	
_____)	

18
19 Defendant JOSE LUIS HERRERA-HERNANDEZ and the United States hereby stipulate
20 and mutually agree that the status hearing, currently scheduled for Thursday, July 11, 2013,
21 should be continued to Thursday, July 25, 2013, at 9:00 a.m., due to unavailability of the counsel
22 of record. Both counsel are now unavailable to appear on behalf of their respective clients on
23 July 11, 2013. The parties mutually request a brief continuance of two weeks, to July 25, 2013,
24 in order to ensure continuity of counsel.

25 Accordingly, the parties further stipulate that the time from July 11, 2013, through and
26 including July 25, 2013, may be excluded from the computation of time within which an

1 information or indictment shall be filed under the Speedy Trial Act, in order to ensure the
2 reasonable time necessary for effective preparation as well as continuity of counsel, pursuant to
3 Title 18, United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv).

4 **IT IS SO STIPULATED.**

5 Dated: July 9, 2013

6 /s/
7 TIMOTHY LUCEY
Assistant United States Attorney

8 Dated: July 9, 2013

9 /s/
10 VARELL FULLER
Assistant Federal Public Defender

11
12 **SO ORDERED.**

13 DATE: 7/9/13

14 
15 HON. D. LOWELL JENSEN
United States District Court